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via CM/ECF

Hon. Rukhsanah L. Singh, USMJ
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

May 19, 2023

Re: *US ex rel. Campbell v. U.S. Healthcare Supply, LLC, et al.*
3:16-cv-9347-RK-RLS

Your Honor,

This letter responds to the Court’s Order dated May 3 (Dkt. #43), instructing Relator to “file a letter advising the Court of the status of service on all remaining Defendants,” no later than today. As Your Honor will note, service has been made on two of the three individual Defendants and on two of the corporate Defendants that can be found and/or are still in existence. Relator respectfully requests an additional 30 days to complete service on the four corporate Defendants that are still in existence but have not yet been effectively served. Relator also respectfully requests that the Court deem Defendant Jon Letko to have been constructively served as of a date no later than April 28, 2022. Should the Court decline to do so, Relator respectfully requests an additional 30 days to locate and serve this Defendant.

Relator respectfully notes for the Court that individual Defendant Jon Letko appears to be evading service in this action, while simultaneously availing himself of the power of the court for the Eastern District of Michigan to recover his interest in funds that were forfeited by his brother James in a related criminal action. *See* docket in *U.S. v. James Letko (Jon Letko, petitioner)*, 2:23-mc-50301 (E.D. Mich.); *see especially* Dkt #8 (stipulation and order directing that a total of \$458,677.61 “shall be returned [by the United States] to Petitioner Jon Letko”). Such gamesmanship, especially when the real party in interest here is the United States – i.e., the taxpayer – should not be countenanced by the Court.

A. Corporate Defendants no longer in existence

The following corporate Defendants have not been served because they no longer exist.¹

¹ Relator argues in her First Amended Complaint (FAC, Dkt. #28) that other corporate Defendants still in existence are the successors-in-interest of these Defendants. *See* FAC ¶¶ 25-29.

All-American Medical Supplies, Inc.² – “terminated” per status report obtained from NJ Dept. of the Treasury website August 17, 2022.

U.S. Healthcare Pharmacy, LLC – “terminated” per status report obtained from NJ Dept. of the Treasury website August 17, 2022.

U.S. Healthcare Supply, LLC – dissolved December 2, 2021, per information obtained from NJ Dept. of the Treasury website.

Milford Managed Services, LLC – “terminated” per status report obtained from NJ Dept. of the Treasury website August 17, 2022.

B. Corporate Defendants upon which service was attempted

Service was attempted (as indicated) on the following corporate Defendants, but the attempts failed. Relator respectfully requests more time to effect service on these Defendants.

Global Healthcare Management, LLC – Service of the original complaint at the principal place of business was attempted on or about January 19, 2023; that attempt failed because Defendant had vacated that location. Note that the company was “pending termination” as of May 8, 2023, per status report obtained from NJ Dept. of the Treasury website.

Letko Asset Management, LLC – service of a request for waiver of service of the original complaint was made as of April 21, 2022 at the company’s principal place of business, but no waiver was returned. Service of the FAC on the registered agent (Jon Letko) was attempted on May 15, 2023, but failed as the agent is “no longer at” the location listed in the records of the NJ Dept. of the Treasury.

Letko Holdings, LLC – attempted service of the FAC on the company’s registered agent at the location listed in the records of the NJ Dept. of the Treasury failed on May 15, 2023.

Letko Investments, LLC – attempted service of the FAC on the company’s registered agent at the location listed in the records of the NJ Dept. of the Treasury failed on May 15, 2023.

C. Corporate Defendants upon which service has been made

Service has been made (as indicated) on the following corporate Defendants.

All-American Medical Supplies, LLC – in his answer dated February 9, 2023, *pro se* Defendant James Letko effectively acknowledged his receipt of service of the FAC on the company’s behalf. Should the Court require further, Relator requests an additional 30 days to make effective service on the company.

² Named in the original Complaint as “All-American Medical Supply Co.”

Pulse Innovations, LLC – attempted service of the FAC at the company’s principal place of business failed, but the FAC was served on the registered agent at the location listed in the records of the NJ Dept. of the Treasury on or about May 15, 2023.

D. Individual Defendants

Edward Letko was served with the FAC on or about January 25, 2023. Edward was voluntarily dismissed from the action on April 24, 2023, along with his company, Defendant Oxford Diabetic Supply, Inc. *See* Dkt. # 42.

James Letko, in his individual capacity and as CEO of All-American Medical Supplies, LLC, was served with the FAC on January 12, 2023. He answered the FAC on February 9, 2023, denying all of its allegations.

Relator respectfully asks the Court to deem **Jon Letko**, both in his individual capacity and as an officer and/or owner of several of the corporate Defendants,³ to have been constructively served, based upon the following:

- A request for waiver of service of the original complaint was sent by certified mail on or about April 14, 2022 to Defendant at 50 Melchor Dr., Easton PA. The “green card” acknowledging service was received by our office on or about April 28, 2022; however, no date of service is indicated and the signature of the recipient is unclear.
- No waiver of service was returned. However, our office received a letter from attorney Jura Zibas of the law firm Wilson Elser, writing “as counsel for Jon Letko.” In the letter, dated May 31, 2022, Ms. Zibas *refers to the original complaint*, arguing that it “has many errors factually” and is “untenable for plaintiff,” etc. Our office had not previously contacted Ms. Zibas – and, in fact, we were not even aware that she represented Mr. Letko before receipt of her letter. The only logical conclusion is that Defendant Jon Letko received our mailing, and conveyed it to his attorney Ms. Zibas.
- The undersigned telephoned Ms. Zibas on January 9, 2023, to ask whether she would accept service of the FAC. She reported that she did not know where Jon was, had not spoken with him recently, and did not even know whether her firm still represented him.
- Multiple attempts to serve the FAC at 50 Melchor Dr., Easton PA were made on or about January 23, 2023. Those attempts failed, leading to the conclusion that Defendant either (a) had relocated to parts unknown, or (b) if still there was dodging service.
- A skip trace conducted shortly thereafter by a private investigator located in Easton failed to uncover information as to Defendant’s whereabouts.

³ Relator alleges that Jon Letko is or was an owner and/or officer of at least Defendants Global Healthcare Management, LLC; Letko Asset Management, LLC; Letko Holdings, LLC; Letcko Investments, LLC; Milford Managed Services, LLC; Pulse Innovations, LLC; U.S. Healthcare Pharmacy, LLC; and U.S. Healthcare Supply, LLC, so that notice to him of the FAC is effectively notice to those corporate Defendants as well.

- Meanwhile, as noted above, Defendant has availed himself of the power of the District Court in Michigan to recover his interest in funds that were forfeited by his brother James in a related criminal action. *See* docket in *U.S. v. James Letko (Jon Letko, petitioner)*, 2:23-mc-50301 (E.D. Mich.); *see especially* Dkt #8.

* * *

Based upon all of the foregoing, Relator respectfully requests:

1. An additional 30 days (from the date of Your Honor's anticipated endorsement of this letter) in which to effect service on Global Healthcare Management; Letko Asset Management, LLC; Letko Holdings, LLC; and Letko Investments, LLC;
2. That the Court deem Defendants All-American Medical Supplies, LLC, and Jon Letko to have been constructively served, as explained above; and
3. Should the Court decide not to deem Defendants All-American Medical Supplies, LLC, and Jon Letko constructively served, that Relator be allowed an additional 30 days in which to effect service on them as well.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'PMAJF', followed by a long horizontal line extending to the right.

Patrick S. Almonrode
BROWN, LLC

Attorneys for Relator Patricia Campbell